

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

July 29, 2008

In the Matter of)
) PS Docket No. 08-
51
Petition for a Notice of Inquiry Regarding 911)
Call-Forwarding Requirement and Carriers')
Blocking Options for Non-Initialized Phones)

**REPLY COMMENTS
OF
STOP ACCIDENTAL CELL CALLS**

I. INTRODUCTION

SACC (Stop Accidental Cell Calls) submits these replies in response to Comments **and** Replies to Comments submitted in the above captioned proceeding.

II. BACKGROUND

In careful review of the 71 comments and single reply the following replies are given.

- A. The comment filed in behalf of: Public Safety and Homeland Security Bureau contains a statement by Commissioner Deborah Taylor Tate "Often the easiest course of action for government officials is to merely ignore a problem".
- B. Also included is a statement by FCC Chairman Kevin J Martin, "I am looking forward to developing additional data on this issue, and examining recommendations to enhance the effectiveness of our 911 system by ensuring that resources are directed to legitimate calls for help".

- C. SACC has devoted much, time, research, and expense to helping the Public Safety Answering Points (PSAPs) significantly reduce their large numbers of non-emergency, accidental calls (by far the main overload factor **still currently existing**). **From the pilot study's performance, it is SACC's view that we can have a positive impact in FCC/WTB's behalf.**
- D. In light of the April 11, 2008 FCC NEWS release "FCC Notice seeks public input on fraudulent 911 calls made from non-service initialized (NSI) wireless phones" referencing contact FCC/WTB's Jeff Cohen (202) 418-0799 the attached recent phone conversation and e-mails will generate additional questions regarding the NSI fraudulent versus accidental NSI calls (see attachment A). NENA and PSAPs records show the millions of NSI phones (new NSI & recycled) have a 4X frequency of "accidental" activation versus standard phone users. Therefore the bottom line is "accidental calls" are the main culprit and should be addressed as well as fraudulent calls. SACC web site www.stopaccidentcalls.com has over 70 news articles and is referenced in these areas.
- E. One comment by T-Mobile was "shift the blame from carriers" when they and the cell phone manufacturers were warned in 1999 by FCC to change the design to protect the accidental sending of 911. Further letters to FCC Chairman, Mr. Thomas J. Sugrue in 2002 from NENA, APCO, and SACC took months to get a commitment from FCC. Also in 2002 Mr. Roger Hixson of NENA sent complaint letters to the 21 Wireless Carriers about the cell phone design problem . . . it took more than one year to receive written response from those Carriers. Mr. Sugrue is currently on the payroll at T. Mobile USA, Inc. Additionally, Mr. Jared Carlson, (FCC/WTB Chief of 9-1-1 Issues in 2003) took a position on the payroll at NEXTEL, appears to be a pattern.
- F. AT&T as well as CTIA take the same position as T-Mobile, to let the PSAPs handle the resulting 9-1-1 accidental call overload problem.
- G. The majority of PSAP,s express the same concern "help us"...the same basic "cry wolf" they have expressed in literally hundreds of national articles pleading to have the 1 touch "911" cell phones fixed. This was a true outcry...however it was a mixed bag as at the same time their 9-1-1 centers were pleading for increased annual budgets for staff and overtime, which appears to be the pattern for all bureaucratic areas. The PSAPs were allegedly simply using the media and increasing accidental 9-1-1 cell calls to get annual budget increase approval, "to serve and protect the budget". In Cincinnati Ohio the operations manager Mr. Gregory Wenz, Hamilton County Communications Fire Police, responded to SACC in his 6/9/2003 e-mail that over 24% of all wireless calls were "accidental". In all three PSAPs in greater Portland, Oregon area (3 counties 2,000,000 pop.) it is worthy to note that all three are currently utilizing the XMU Automated Answering Systems which

have screened out 10's of thousands of "accidental calls". As of March, 2008 the 3 XMU units in Oregon screened out a total of 25-30% of all 9-1-1 emergency cell calls (which were "accidental" or "unintentional) from recycled and NSI phones still in use. Therefore, Mr. Kevin Martin, if this FCC effort is to help in this issue please examine all the recommendations.

- H. A simple solution, the cell phone button guard has been available now for over 7 years and its massive and inexpensive application per U.S.D.O.J "Misuse and Abuse of 911" study Aug 2002 highly recommends the "Button Guard" as the most practical, inexpensive and swift means to impact the problem.
- I. Perhaps the nations media has been unable to write further information on the "Button guard" solution as it may jeopardize the media's revenue from the 2 and 3 full page advertising per day from the wireless carriers and the cell phone manufactures while sacrificing the 9-1-1 public safety issue. FCC appears to have been slow in implementing its own mandates to "redesign the cell phone face", to eliminate the unintentional activation of the "redial last call" (unearned \$\$\$ millions in airwave time) and the 1 touch 911 feature button. This slowness to act upon this public safety problem appears to SACC and others that FCC and other related corporations known to SACC have profited exorbitantly. The trend for those in high level FCC positions in the tele-communications industry to slide into future private sector staff positions may also influence their decisions.
- J. It is SACCs view that the Reply Comments of Gregg Skall and Peter Gutmann representing American Roaming Network to be completely naive or totally misinformed as to the SACC pilot study results. It is well known in this industry that this accidental 9-1-1 dialing problem from cell phones has been an on-going serious problem nationwide for years and remains so. CTIA is the regulator and certifier of all cell phones for public distribution and have not protected ALL cell phones from accidental hits. Those who have the power to correct this huge volume of accidental calls have chosen to ignore or greatly slow down the solution.
- K. SACC has expressed its willingness to publicly and professionally testify offering its assistance and documentation in the DA08-1150 decision makings.

Respectfully Submitted,

Dale Lissner, Presdent, SACC, a registered non-profit Oregon Corporation

July 28, 2008

Attachment A: Re: Telecon on 7/18/2008 and e-mail 7/23/2008, and 7/28/08 with/to Mr. Jeff Cohen FCCWTB/ and Dale Lissner, President SACC.

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July 23, 2008

FCC/WTB

Mr. Jeff Cohen:

The purpose of this correspondence is to confirm your responses on July 18, 2008 to questions in a telephone conference asked by Dale Lissner, Director of SACC (Stop Accidental Cell Calls).

To the question, "In the past 5 years have you or your staff received **any studies** relating to the increase and/or decrease of unintentional or accidental 9-1-1 cell calls?"....you replied "no we have not". It was further asked "Have there been any communications relating to any on-going studies on unintentional or accidental 9-1-1 cell calls from the professional 9-1-1 organizations such as APCO, NENA or CTIA?"....your response was again "no!"

When asked who handles those issues now that Andra Cunningham, Policy Division of FCC's WTB (Wireless Telecommunications Bureau) is no longer the organizer of your 9-1-1 cell phone files? Your response was, "myself".

When asked what you knew about the XMU (Automated 9-1-1 Caller Responder) by Interallia Corporation? Your response was, "I am not aware of the equipment".

SACC then explained the 3 major Portland area county PSAP's (serving over 2,000,000 pop.) that each currently use an XMU Automated System to filter out "accidental 9-1-1" calls. As of April 2008, electronically documented data was gathered that shows the **XMU is successfully filtering out all accidental cell calls (30% of ALL their incoming 9-1-1 cell calls were accidental)**. This equipment is successful as intended with the downside of having time delays while an automated recording asks for caller responses. **However, more importantly is the fact that this system tells us that today there is still an average of 30% unintentional 9-1-1 calls of all incoming cell calls due to poorly designed "redial and #9 buttons" on the open face as well as NSI cell phones.**

As you recall from previous correspondence, SACC met with FCC/WTB on Feb. 05, 2003 and gave a 1 hour "in depth" presentation to 10 of your WTB staff. At that meeting SACC proposed the patented "button guard" solution. As mentioned in the recent July 18, 2008 phone call to you, SACC complied and left each of the 10 WTB staff with a copy of a 10"x12"x1" book of in-depth researched documentation, titled, **Stop Unintentional "Phantom" Cell Calls - Key Guards** with 139 informative pages in 10 chapters. Most or all of these books should be within your department. SACC encourages you and your staff to re-review this data and the solution presented - the book has a large red and yellow STOP ACCIDENTAL CALLS on the binder spine. As this has recently been documented to be an ongoing problem issue, SACC urges you to once again consider its solution. This solution has since been proven to work in a study in 2004 by reducing the accidental cell calls by 21% in just only weeks.

At the above FCC/WTB meeting on February 5, 2003, Jared Carlson, Deputy Division Chief (later employed by NEXTEL), was asked when FCC could draw conclusions on their December 11, 2002 nationwide "Consumer Alert" calling attention on how to prevent unintended 9-1-1 cell calls. His response was, "we will not be tied down until we have studies to review". This Alert was to be sent by FCC electronically to the roughly 1,300 consumer groups. **SACC then questions, "Why have NO studies been done to substantiate the effectiveness of your Consumer Alert during the past 5 years since our meeting?"**

On May 18, 2005 in your e-mail to SACC regarding the FCC/WTB Staff Report and Consumer Alert on December 11, 2002, you stated "We have not received any further comments, responses, studies, or requests that would require taking any further action at this time. There are no documents or other data in the public file on this issue".

The major button guard pilot study (Mar-June 04) dropped the accidental calls by 21% in the first 8 weeks in a population of 1 million plus citizens, and basically despite the PSAPS withdrawal from the program . . . it still continued to drop to 27% reductions by the end of 2004.

During the final NSI Inquiry of "PS Docket No. 08-51", SACC recommends that you and your staff arrange to have a meeting with SACC (when all stakeholders are present) at your facility.

In reference to our telephone conference call on July 18, 2008 and the above data, SACC encourages your comments.

Sincerely,

Dale Lissner
President SACC a registered non-profit Oregon Corp.

July 28, 2008
FCC/WTB
Jeff,

Would you kindly respond to SACC's generous offer on the above mentioned e-mail to assist with data and a proven solution to FCC's upcoming Inquiry concerning non-emergency 911 calls made from NSI phones and your exploration of potential solutions. Please respond to our invitation with date and time, and we'll be happy and privileged to give testimony toward that end.

We have devoted much time, research, and expense to helping the Public Safety Answering Points (PSAPs) significantly reduce their large numbers of non-emergency, accidental calls, and feel that we can definitely have a positive impact in your behalf. If we do not hear from you, SACC will redirect the same e-mail to higher levels within FCC/WTB.

Sincerely,
Dale Lissner
President SACC a registered non-profit Oregon Corp.